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19 Attorneys for Defendant
20 TENET HEALTHCARE CORPORATION

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA

23 EDEN SURGICAL CENTER, a
24 California medical corporation,
25 Plaintiff,

26 v.

27 TENET HEALTHCARE
28 CORPORATION, C/O TENET
BENEFITS ADMINISTRATION
COMMITTEE, in its capacity as plan
administrator,
Defendants.

Case No. CV09 07156 FMO

**STIPULATION RE: FIRST
AMENDED COMPLAINT**

1 WHEREAS, Plaintiff Eden Surgical Center (“Eden”) seeks to amend the
2 Complaint in this action to add Defendant Tenet Benefits Administration Committee
3 and dismiss Defendant Tenet Healthcare Corporation with prejudice;

4 WHEREAS, Defendant Tenet Healthcare Corporation does not object to Eden
5 so amending the Complaint and dismissing it from the action;

6 WHEREAS, the parties to this action agree that by stipulating to an amendment
7 of the Complaint, these defendants (collectively, “Defendants”) do not admit or agree
8 that Eden has standing to bring the claims alleged in the Amended Complaint;

9 WHEREAS, the parties to this action further agree that by stipulating to an
10 amendment of the Complaint, Defendants do not admit or agree that the Amended
11 Complaint states a claim upon which relief may be granted;

12 WHEREAS, the parties to this action further agree that by stipulating to an
13 amendment of the Complaint, Defendants do not waive, and instead specifically
14 reserve, their rights to move to dismiss or otherwise object to or answer the Amended
15 Complaint on the basis of, among other things: (1) lack of standing; and/or (2) failure
16 to state a claim, upon which relief may be granted.

17 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

18 1. The First Amended Complaint attached hereto as Exhibit “1” shall replace
19 Eden's Complaint as the operative pleading in this action, in accordance with *Federal*
20 *Rules of Civil Procedure* Rule 15(a)(2). The First Amended Complaint shall be
21 deemed filed upon the Court's entry of order approving this stipulation.

22 2. Tenet Healthcare Corporation is dismissed with prejudice.

23 3. Monica M. Quinn, Esq. is authorized to accept service of the Amended
24 Summons and First Amended Complaint on behalf of Tenet Benefits Administration
25 Committee, hereby agrees to do so via U.S. Mail, and will file and serve an Answer to
26 the First Amended Complaint on behalf of Tenet Benefits Administration Committee
27 within 5 court days of service of the Amended Summons and First Amended
28 Complaint.

1 4. Upon receipt of the Court's Order, both parties will meet and confer on a
2 mutually agreeable date upon which cross-motions for summary judgment will be
3 filed.

4 IT IS SO STIPULATED.

5
6 Dated: March 16, 2010

THE JEWETT LAW GROUP, INC.

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8 By: /S/ Bradley E. Jewett

9 BRADLEY E. JEWETT
10 Attorneys for Plaintiff
Eden Surgical Center

11 Dated: March 16, 2010

12 ALLEN MATKINS LECK GAMBLE
13 MALLORY & NATSIS LLP

14 By: /S/ Monica M. Quinn

15 MONICA M. QUINN
16 Attorneys for Defendants
17 Tenet Healthcare Corporation,
18 Tenet Benefits Administration Committee
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